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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/541,682	09/08/2005	Yoshihisa Miura	F-8721	4013
28107 7590 12/05/2007 JORDAN AND HAMBURG LLP 122 EAST 42ND STREET SUITE 4000 NEW YORK, NY 10168			EXAMINER BONCK, RODNEY H	
			ART UNIT 3681	PAPER NUMBER
			MAIL DATE 12/05/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

Application No.

10/541,682

Applicant(s)

MIURA, YOSHIHISA

Examiner

Rodney H. Bonck

Art Unit

3681

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 24 October 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-3 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1 and 3 is/are rejected.
- 7) ☒ Claim(s) 2 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                     | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

The following action is in response to the amendment received October 24, 2007.

### ***Substitute Specification***

The substitute specification filed October 24, 2007 has not been approved for entry because it omits the table previously shown on page 12.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1 and 3 are rejected under 35 U.S.C. 103(a) as being unpatentable over Message('093) in view of the Japanese document (2-76234) and Miura et al.(US 2003/0006114 A1). Message discloses a one-way clutch spring, which is placed in an annular space between inner and outer rings of the clutch. The spring includes pockets in which engagement members are disposed. The spring includes tongues that extend into the pockets and are bent at an angle to the base of the spring. While the tongues appear to be at an angle of approximately 20° to 30°, the particular angle of the tongue would be variable within the skill in the art depending on the strength of the material of

the spring and the shape of the engagement member. Thus arriving at a particular angle of the tongue would have been obvious within the meaning of 35 USC 103. It is apparent that insertion of the engagement member would cause additional deflection of the tongue, the amount of deflection depending on the shape of the engagement member. Providing plural bends or undulations in the spring is suggested by Message as a way to improve flexibility of the spring. Both the Japanese document and Miura et al. suggests providing the bends such that their centers of curvature are on the inner side of the spring. The specific radii of curvature would be variable within the skill in the art depending on the overall dimensions of the clutch. Thus arriving at a particular radius of curvature would be obvious within the meaning of 35 USC 103.

#### ***Allowable Subject Matter***

Claim 2 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

#### ***Response to Amendment***

The amendments to the claims submitted October 24, 2007 overcome the rejection under 35 USC 112, 2<sup>nd</sup> paragraph, set forth in the previous Office action. Accordingly, the rejection is withdrawn.

***Response to Arguments***

Applicant's arguments filed October 24, 2007 have been fully considered but they are not persuasive with respect to claims 1 and 3. Applicant argues that the Miura et al. ('114) reference is excluded from a rejection under 35 USC 103(a) because it "is assigned to the same assignee as the present invention". It appears from PTO records, however, that the Miura et al. reference and the present application are not assigned to the same assignee. According to PTO records, SN 10/188,360 (Miura et al. '114) is assigned to Koyo Seiko Co., Ltd. And SKF France, and the present invention is assigned to JTEKT Corporation. Under 35 USC 103(c), Miura et al. would be excluded from a rejection under 35 USC 103(a) "where the subject matter and the claimed invention were, at the time the claimed invention was made, owned by the same person or subject to an obligation of assignment to the same person." Applicant has not stated that this is the case here.

Concerning the JP'234 reference applicant asserts that the reference "requires reflection of the tongue by the engagement member from a 0° position 'a' in Fig. 4 and does not suggest the present invention." This contradicts applicant's statement in the specification (page 3, lines 5-8) that tongues "which are previously bent before the spring 16 is placed in the annular space 4 has been conventionally known (see Japanese Utility Model Application (Kokai) No. HEI2-76234." Thus JP'234 apparently does show the pre-bent tongues.

Applicant further argues that unexpected results are shown by the test results stated on page 12. It is agreed that the results show improved operation when the initial

bending angle is 20°-30° and the displacement angle is 5°-15°. Accordingly, claim 2 has been indicated as allowable if rewritten in independent form since this claim recites both of the features that have been indicated as providing the improved operation.

### ***Conclusion***

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Rodney H. Bonck whose telephone number is (571) 272-7089. The examiner can normally be reached on Monday-Friday 7:00AM - 3:30PM.

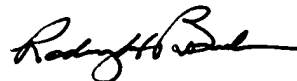
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Charles A. Marmor can be reached on (571) 272-7095. The fax phone

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number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Rodney H. Bonck  
Primary Examiner  
Art Unit 3681

rhb  
December 3, 2007